

UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF MICHIGAN

FILED - MQ

June 24, 2022 10:27 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mlc SCANNED BY: mlc 06/24/22

2:22-cv-135

Maarten Vermaat

U.S. Magistrate Judge

Terrance Terrell Moore # 208380
Plaintiff,

V

U.S. DISTRICT COURT: 20-cv-01107
MICH. SUPREME: #164293
COURT OF APPEALS: #356596
Cir. No: 20-cv-0616AH

BRYAN MORRISON (WARDEN)

Defendant. 1

PETITIONER - PLAINTIFF MOVES THIS FEDERAL DISTRICT
COURT PURSUANT TO 2251^(a)(2), 28 U.S.C. &
/ AS TO 2241 (C) (3) 28 U.S.C. & POWER
TO GRANT WRIT... OTHER APPLICABLE AUTHORITY
... 2244, 2252, 2253 (2000) See Rule 1^{*}
OF THE RULES GOV. SEC 2254 CASES (2005).

NOTARY _____

COMMISSION Expires _____

STATE of MICHIGAN COUNTY of _____

DATE: June 16TH 2022

cc: file

Appendices:

(A). (B).

(C).

Prepared by: Terrance Moore

/s/ Terrance Terrell Moore
208380

A¹

UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT COURT
OF MICHIGAN

Tennence Tennell Moore # 208380
Plaintiff.

✓

U.S. DIST COURT # 20-cv-01107
MICH. SUPREME # 164293
COURT of APPEALS # 356596
Cir. NO: # 20-cv-0616 AT

BRYAN MORRISON (Warden)
Defendant.

Plaintiff-Petitioner moves PURSUANT TO 28 U.S.C.
§ 2251 (a) (2), AND 28 U.S.C. § 2241 (c) (3),
OTHER APPLICABLE AUTHORITY SUPPLEMENTAL 2244
, 2252, 2253 (2000) ... See Rule 1 of THE RULES
GOV. SEC 2254 CASES (2005) ... 28 U.S.C. 1331.

NOW comes Tennence Tennell Moore, PURSUANT
TO 2241 (c) (3) AND (HCR) 1, they must be
CONSTRUED AND ADMINISTERED TO SECURE THE JUST,
SPEEDY, AND INEXPENSIVE DETERMINATION OF EVERY
ACTION AND PROCEEDING. -- Scope of Rules;

FOLLOWING:

- 1). CASE NO: 1-20-cv-01107-PLM-RSX
ECF NO. 8, PAGE ID. 4 Filed 11/30/20
PAGE 1 of 10

B²

2). CASE NUMBER 2:20-cv-12923-VAR-C1
ECF NO. 4, PAGE ID. 120 Filed 11/17/2020
Page 1 of 4

3). "Ineffective Connective Process "STATE"
REQUIRING EXHAUSTION WOULD CAUSE IRREPARABLE
DAMAGE TO THE PETITIONER'S FEDERAL RIGHTS
BECAUSE THE PETITIONER WILL BE EXECUTED
BEFORE EXHAUSTION PROCEDURE CAN BE COM-
PLETED. (EXISTING COMORBIDITIES)

4). "REQUIRING EXHAUSTION WOULD CAUSE IRRE-
PARABLE INJURY TO THE PETITIONER'S RIGHTS
FOR SOME OTHER REASON, INCLUDING THAT UNLAW-
FUL DELAY IN THE STATE COURTS RISK MOUNTING THE
PETITIONER'S FEDERAL RIGHTS BEFORE HE REACHES
THE FEDERAL COURTS (EXISTING COMORBIDITIES)

5). GIVEN THE SIGNIFICANT LIBERTY INTEREST AT
STAKE, THE TIME-SENSITIVITY OF PETITIONER'S
CLAIMS, AND THE RISKS TO PETITIONER HEALTH
POSED BY LONG HAUL AFFECTS AFTER EXPOSURE
- WHERE NO DETERMINATION AS TO THE MERITS
OF HARRIS PETITIONS AND RELATED COMPLAINTS
OR ANY PENDING MOTIONS.

6). UNDER THE GENERAL PRINCIPLES SET OUT IN THE PRECEDING THREE SUBSECTIONS, A PERSON IS IN CUSTODY - AND PLAINTIFF NOW FEDERAL HABEAS CORPUS PETITION IS AND REMAIN JUSTICIABLE (i.e., NOT Moot) THROUGHOUT THE ENTIRE PERIOD REQUIRED TO ADJUDICATE THE PETITION AT TRIAL, ON APPEAL, AND ON CERTIORARI - AS LONG AS, AT THE TIME THE FEDERAL PETITION WAS FILED.. (CUSTODIAL STATUSES).

7) EIGHTH AMENDMENT MAKES CLEAR THAT REVERSAL OF "A DEATH SENTENCE AS AN ATTRIBUTE OR QUALITY PREDICATED ON A PRIOR - AS ART DELAY - NOW A CAPITAL CASE - PLAINTIFF CLAIMS A DOUBLE JEOPARDY PRINCIPLE TO REMAIN IN A THREAT OF HARM WITHOUT APPRISING HIS JURORS OF PEERS. 14TH

A COURT SHOULD ASSUME THEIR VERACITY AND THEN DETERMINE WHETHER PLAINTIFF PRESENTED HIS ENTITLEMENT TO RELIEF IN A PLAUSIBLY CONTEXT THAT GIVE RISE TO ENTITLEMENT TO RELIEF. PRECLUDING RULE 8 (a) (2).

Wherefore, Lennence Lennell Moore, PRAYS
THAT THIS Honorable Federal District Court
GRANT HIS MOTION PURSUANT TO THE APPLICABLE
AUTHORITY CITED INSTANTLY TO STAND UPON
THE STANDARDS AND PRINCIPLES PRESENTED
AS A GUIDE FOR THE UNBETTERED JUDGMENT
AFFORDED BY A COURT OF LAW. OR WHATEVER
THIS Honorable Federal Court DEEM TO BE
NECESSARY.

Respectfully Submitted
#208380
/s/ Lennence Lennell Moore
Lennence Lennell Moore #208380
Chippewa Correctional Facility
4269 West M-80
Kincheloe, MI. 49784

DATE: June 16TH
2022

Notary: _____

Commission Expires _____

COUNTY of _____ STATE of MICHIGAN

I Lennence Lennell Moore

SWEAR THAT THE CONTENTS
WRITTEN WITHIN ARE TRUE TO THE BEST OF MY ABILITY
KNOWLEDGE AND BELIEF. 28 USC § 1746.

cc: file

B⁵

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Argument '1'

(DeviATION of LAW)	Standards of Review	1 [#]
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Argument '2'

(CONSTITUTIONALITY of STATE)	Standard of Review	5 [#]
	PRESERVATION of errors	5 [#]
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..... SUPPLEMENTALS

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CONSTITUTIONS

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14TH AMENDMENT

9TH AMENDMENT 71.

C² continue . . .

5TH AMENDMENT. ----- PASSIM

10TH AMENDMENT. ----- PASSIM

Article VI & 1. ----- 5TH

STATUTORY LAWS

28 USC & 2252, 28 USC & 1331,

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COURT RULES

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61, 39, 56, (H.C.R.1) . . .

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MISC.

8TH EDITION LAW DICTIONARY

5TH EDITION LAW DICTIONARY

9TH EDITION LAW DICTIONARY

...end

JURISDICTIONAL STATEMENT

JARAW GAS LIGHTER ASS'n v RANSON CORP.,
D.C.N.J., 257 F. SUPP. 219, 224. . . Also
See 27111 APP. 3d 292, 326 N.E. 2d 545,
548. . . 28 U.S.C. 1331 & 2251
(a)(2). ART. VI 118 & 28. . . Federal Questions
THE DISTRICT COURTS SHALL HAVE ORIGINAL
JURISDICTION OF ALL CIVIL ACTIONS ARISING
UNDER THE CONSTITUTIONAL, LAWS, OR TREATIES
OF THE UNITED STATES.

INVOLVING HABEAS CORPUS REVIEW BY A Fed-
ERAL COURT SATISFYING TWO JURISDICTIONAL
REQUIREMENTS:

- 1) IN BEHALF OF A PERSON IN CUSTODY
PURSUANT TO THE JUDGMENT OF A STATE
COURT AND
- 2) THE SUBSTANCE REQUIREMENT THAT
THE PETITIONER CHALLENGE THE LEGALITY
OF THAT CUSTODY ON THE GROUND THAT
IT IS "IN VIOLATION OF THE CONSTITUTION
OR LAWS OR TREATIES OF THE U.S."

STATEMENT of FACTS
- DISPOSITIVE -

See (ORIGINAL COMPLAINT)

CASE NO: 1:20-CV-01107-PLM-RSK
2:20-CV-12923-VAR-CI

(New Developing Facts)

CASE NO: (STAG)[#] 20-12-0616^{AH}
(COURT of APPEALS)[#] 356596G
(MICHIGAN SUPREME [#] 164293 (52))

AS LONG AS PETITIONER HAD THE REQUISITE STATUS WHEN THE PETITION WAS FILED, SUBSEQUENT CHANGES IN THAT STATUS WILL NOT MOUNT THE PETITION. . . See e.g. MALONEY V COOK, 490 U.S. 488, 492 (1989). . . CANAFAS V CAVALLE 391 U.S. 234 (1968).

Statement of Derivative Action

AN ACTION IS A (DERIVATIVE) WHEN THE ACTION IS BASED UPON A PRIMARY RIGHT OF THE CORPORATION (M.O.O.C.), BUT IS ASSERTED ON ITS BEHALF BY THE STOCKHOLDER (WARDEN) BECAUSE OF THE CORPORATION'S FAILURE, DELIBERATE OR OTHERWISE, TO ACT UPON THE PRIMARY RIGHT. *Lehrman v Godeaux Subs.*, 207 Misc. 314, 138 N.Y.S. 2d 163, 168. Procedures in such actions in federal courts is governed by Fed. R. Civil P. 23.1 Resulting A Derivation.

(THROUGH THE WRIT, CONGRESS HAS EMPOWERED "DISTRICT COURTS TO BE THE ORGAN OF THE HIGHER LAW RATHER THAN A COURT OF APPEALS, OR EXCLUSIVELY THIS COURT" AND "HAS TOLD THE DISTRICT JUDGE TO ACT ON THOSE OCCASIONS, HOWEVER RARE, WHEN THERE ARE MERITORIOUS CAUSES IN WHICH HABEAS CORPUS IS THE ULTIMATE AND ONLY RELIEF AND DESIGNED TO BE SUCH"); *Waley v Johnston* 316 U.S. 101, 105 (1942) (WRIT "EXTENDS... TO THOSE EXCEPTIONAL CASES WHERE THE CONVICTION HAS BEEN IN DISREGARD OF THE CONSTITUTIONAL RIGHTS OF THE ACCUSED, WHERE THE WRIT IS THE ONLY MEANS OF PRESERVING HIS RIGHTS"). --

C5

---; IN RE TYLER, SUBRA, 149 U.S. AT 180
 ("THE WRIT OF HABEAS CORPUS IS NEXT TO
 PERFORM THE OFFICE OF A WRIT OF ERROR
 OF APPEAL; BUT WHEN NO WRIT OF ERROR
 OR APPEAL WILL LIE, IF A PETITIONER IS IM-
 PRISONED UNDER A JUDGMENT OF [A COURT]
 --- WHICH HAD NO JURISDICTION OF THE PER-
 SON OR OF THE SUBJECT MATTER, OR AUTH-
 ORITY TO RENDER THE JUDGMENT COMPLAINED
 OF, "UNLAWFUL RESTRAINT" AGAINST THE EXTENT
 AND DURATION OF PLAINTIFF TREAT AND
 DELIBERATE AND DIFFERENCE OF NOW A NEW
 SENTENCE AWAY FROM THE UNFETTERED
 JUDGMENT OF A COURT OF LAW." AND
 HIS RIGHT FOR "HIS" JUDGES OF REEDS
 TO BE APPRISED OF. THEN HABEAS COR-
 PUS RELIEF MAY BE ACCORDED." (EMPHASIS
 ADDED); EX PARTE BARKS, 93 U.S. 231 (1895).
 (WRIT "IS ONE OF THE MODES IN WHICH THIS
 COURT EXERCISE SUPERVISORY POWER OVER THE
 INTERIOR COURTS AND TRIBUNALS.

TO LOCATE A COMPREHENSIVE ANALYSIS OF
 THE WRIT IN BOTH THE STATUTORY AND CASE-
 LAW CONTEXT OF FEDERAL QUESTIONS PLAINTIFF

... NOTE JURISDICTION AS A WHOLE. ACCORDING TO (JUSTICE SPEAKING) TO "THREE DIFFERENT METHODS HAVE BEEN PROVIDED BY STATUTE AND CASE LAW FOR BRINGING BEFORE THE COURTS OF THE UNITED STATES PROCEEDINGS BEGUN IN THE COURTS OF THE STATES" WHEN NECESSARY TO SECURE THE SUPREMACY OF THE CONSTITUTION, LAWS AND TREATIES OF THE UNITED STATES." *Id.* at 238. THE FIRST TWO EXTENDED RESPECTIVELY TO JUDGMENTS ALLEGEDLY CONTRARY TO, AND TO CLAIMS ARISING UNDER, "CONSTITUTION, LAWS OR TREATIES OF THE UNITED STATES."

THIRD WAS HABEAS CORPUS, THE DEVELOPMENT OF (JUSTICE SPEAKING) TRACED FROM THE 1833, BY WHICH CONGRESS ENLARGED FEDERAL REMOVAL JURISDICTION AS TRACED FROM THE 1789 JUDICIARY ACT. FURTHERED BY OR SECTION 1 OF THE SAME SPEAKING FEBRUARY 5, 1867 ACT CITED IN JUSTICE GRAY'S WRIT OF ERROR DISCUSSION. AS UNDER THE 1874 REVISED STATUTES "UNIFIED" CODIFICATION OF ALL PRIOR HABEAS CORPUS PROVISIONS, FEDERAL JUDGES AND COURTS HAD THE "POWER TO GRANT WRITS OF HABEAS CORPUS... [T]O ANY PRISONER... IN CUSTODY IN VIOLATION OF THE - - -

... CONSTITUTION OF A LAW OR TREATY OF THE UNITED STATES; and ... Shall forth- WITH AWARD A WRIT of HABEAS CORPUS, UNLESS IT APPEARS FROM THE PETITION ITSELF THAT THE PARTY IS NOT ENTITLED THERE TO." *Id.* at 239-40 (QUOTING AND PARAPHRASING REV. STAT. tit. 13, Ch. 13, §§ 751-755, 761, 18 STAT. 142-43 (1878) (RECODIFIED AND AMENDED AT 28 U.S.C. §§ 2241 (2)-(C) 2243).

[Plaintiff] SPEAKING NOW IN Pre-exhaustion PROCEEDINGS OF CAPITAL CASES. AS [Short Form] Menger J. ... HAVING A NECESSITY IN CAPITAL CASES SENSE TO FILE A FEDERAL HABEAS CORPUS IN PARTICULAR, IF AN EXECUTION DATE IS SET AND RAPIDLY APPROACHING AND IF THE STATE COURTS AND ALL OTHER STATE SOURCES OF A WAY OF EXECUTION HAVE EITHER REFUSED OR FAILED AFTER A REASONABLE TIME TO STAY OR POSTPONE THE EXECUTION PENDING COMPLETION OF A STATE PROCEEDINGS. [ART Delay of Great Writ.] AND DISADVANTAGES TO PLAINTIFF. IS ONLY SPEAKING Pre-liminary yet PROCEEDING THAT ORDINARILY SHOULD PROCEED HABEAS CORPUS. AS STATE 1st Option Given.

UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF MICHIGAN

Tennence Cornell Moore #208380
Plaintiff.

V

U.S. DIST. COURT.

MICH. SUPREME #164293

COURT OF APPEALS #356596

BRYAN MORRISON (Wanted) CR. NO. #20-CV-0616AH
Defendant.

NOTICE

PURSUANT TO 28 U.S.C. § 2252

I, Tennence Cornell Moore, proceeding in Behalf of A
PERSON IN CUSTODY OF STATE OFFICERS OR BY VIRTUE
OF STATE LAWS shall be served on THE
ATTORNEY GENERAL OR OTHER APPROPRIATE OFFICER
OF SUCH STATE [MICHIGAN] AS THE JUSTICE OR
Judge.

[Please TAKE Full NOTICE.]

D¹.

THAT ON June 16th 2022 THE UNDERSIGNED
WILL MOVE THIS HONORABLE FEDERAL DISTRICT
COURT TO GRANT THE WITHIN 28 USC § 1331,
IN THE ABOVE ENTITLED CAUSE.

ORAL ARGUMENT IS REQUESTED.

Respectfully Submitted,
/s/ Tennence Tennell Moore
Tennence Tennell Moore #203380
Chippewa Correctional Facility
4269 West M-80
Kincheloe, Michigan #49784

DATE June 16th 2022

I Tennence Tennell Moore SWORN THAT THE CONTENTS
WRITTEN WITHIN ARE TRUE TO THE BEST OF MY
ABILITY, KNOWLEDGE AND BELIEF. 28 USC § 1746

D²

Supplements
- See COMMONALITY -

22-01-42^{AH} - 22-02-050^{AH} - 21-10-568^{AH}
22-16-889^{AH} - 22-16-887^{AH} - 22-16-888^{AH}
21-11-597^{AH} - 21-11-612^{AH} - 21-03-083^{AH}
21-03-076^{AH} - 21-12-616^{AH} - 21-03-128^{AH}
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21-11-580^{AH} - 21-11-605^{AH} - 21-10-551^{AH}
21-11-571^{AH} - 21-10-551^{AH} - 21-10-567^{AH}

22-03-100^{AH} - 22-16-886^{AH} - 22-16-885^{AH} -
22-16-895^{AH} - 21-11-604^{AH} - 22-16-913^{AH}
Inmate No. 271805 -
Yet DKT.

9TH AMENDMENT ENUMERATION _____
5TH AMENDMENT _____

F.1.

QUESTIONS PRESENTED

- 1). Would This Prisoner be Considered A (DETAINEE) If Prisoner Have A Federal (DETAINEE) ATTACHED AS A NOTICE BENEFIT HIS STATUS AS A FEDERAL PRISONER IN "STATE CUSTODY"?
- 2). Does AND ENCROACHMENT TO PRISONER SENTENCE EITHER TO GRADUALLY INTRUDE UPON HIS RIGHTS OR PROPERLY WARRANT HABEAS RELIEF?
- 3). Are AN AFFIDAVIT A PRIMA FACIE SHOWING TO WARRANT EXAMINATION UPON HEARING? UNDER THE PROBENSITY OF U.S. V. KIS —
F3d. _____.

ARGUMENT 1st

Standard of Review: UNUSUAL CIRCUMSTANCES OR EXTRAORDINARY CIRCUMSTANCES
LACK OF ORIGINAL JURISDICTION TO HEAR
OR DETERMINE A CASE CONSTITUTES "EXCEP-
TIONAL CIRCUMSTANCES" AS BASIS FOR RAISING
QUESTION FOR THE FIRST TIME ON HABEAS COR-
PUS. *Wesley v Schnecko*, 55 WASH. 2d
90, 346 P.2d 658, 660.

PRESERVATION OF ERROR: NOT Reasonable;
IMMODERATE; EXORBITANT. *CASS V STATE*,
124 TEX. CR. R. 208, 61 S.W.2d 500. *CARBIC-*
1005; ARBITRARY; CONFISCATORY. *HARRIS V*
STATE CORPORATION COMMISSION, 46 N.M. 352,
124 P.2d 323, 328.

PRINCIPLE POINT: DEVIATION OF LAW -
DEPARTURE FROM ESTABLISHED OR USUAL
CONDUCT OR IDEOLOGY FROM AN ESTABLISHED
RULE, STANDARD OR POSITION. *S. J. GROVES & SONS*
CO. V WEST VIRGINIA TURNPIKE COMMISSION,
D.C.W. V.2., 164 F. SUPP. 816, 821.

DISCUSSION

Plaintiff, Looking To Acts Contrary To Law, And Presumes That There Must Be An Existing Law. (For Plaintiff To Identify) *State v. Hailey*, 350 Mo. 300, 165 SW2d 422, 427. As A Violation Of Some Prohibitory Law And Includes All Willful, Actionable Violations Of The Plaintiff Civil Rights, And Is Not Only Confined To Criminal Acts. . . . Plaintiff Speaking Of "Unlawful Acts"

— Register Action In Case 21-CV-117 Within The Meanings Of Manslaughter Or 2nd. Degree Homicide Statutes MCL. 750.321 AND 750.319 Consist Of Reckless Conduct Sec. 319 ANY Person, Being An Inhabitant Or Resident Of This State, Who Shall Be The Second Of Either Party In Such Duel As Is Mentioned—

Plaintiff, Submitted An Affidavit To A Justice Of Peace And County Prosecutor Of The State Of Michigan Under The Oath Of U.S.
V His _____ 73d _____

... WITH NO REGARD OF ACTION. (AS WITNESS TO FACTS). OR CONDUCT EVINCING MANIFEST DISREGARD FOR SAFETY OF OTHERS AND PLAINTIFF. *State v Newton*, 105 UTAH 561, 144 P2d 290, 293; *State v Thatcher*, 108 UTAH 63, 157 P2d 258, 261.

While necessarily NOT IMPLYING THE ELEMENT OF CRIMINALITY, IT IS BROAD ENOUGH TO INCLUDE H. PLAINTIFF, SPEAKING TO HIS CONFINEMENT WITHIN M.D.C. AGAINST LONG Haul EFFECTS OF COVID-19 AGAINST HIS EXISTING COMORBIDITIES OF RESPIRATORY COMPLICATIONS AS ONE NEEDS OF ABURGENANCES.

Afforded, *Thompson v Anderson*, 107 UTAH 331, 153 P2d 665, 666. (CRUEL AND UNUSUAL PUNISHMENT) AS BASIS FOR RAISING QUESTIONS DISPOSITIVE AND FACTS BEING JURAL OR JUSTICE OR THOSE ACTS OR EVENTS THAT CREATE, MODIFY OR EXTINGUISH JURAL RELATIONS.

See i.e., *Braden v 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973).

IN Braden, THE COURT MADE CLEAR THAT SECTION 2241 (a) REQUIRES NOTHING MORE THAN THAT THE COURT ISSUING THE WRIT HAVE JURISDICTION OVER THE CUSTODIAN. SO LONG AS THE CUSTODIAN CAN BE REACHED BY SERVICE OF PROCESS, THE COURT CAN ISSUE A WRIT "WITHIN ITS JURISDICTION" REQUIRING THAT THE PRISONER BE BROUGHT BEFORE THE COURT FOR A HEARING ON HIS CLAIM, OR REQUIRING THAT HE BE RELEASED OUTRIGHT FROM CUSTODY, EVEN IF THE PRISONER HIMSELF IS CONFINED OUTSIDE THE COURT'S TERRITORIAL JURISDICTION. Id. at 497-98. . . . AS Id. AT 495. ACCORD Rumsfeld v Radilla, 124 S. CT 2711, 2723 (2004).

THE SIXTH CIRCUIT COURT OF APPEALS DESCRIBED COVID-19 PROBLEMS AS FOLLOWS:

THE COVID-19 VIRUS IS HIGHLY INFECTIOUS. COVID ~~FATALITY~~ RATE INCREASE WITH AGE AND UNDERLYING HEALTH CONDITIONS SUCH AS CARDIOVASCULAR DISEASE, RESPIRATORY DISEASE, DIABETES, AND IMMUNE COMPROMISE. [SEVERE COMPLICATIONS OR DEATH.]

ARGUMENT 2th

Standard of Review: JUDICIAL POWER IN COURT OF JUSTICE: DIVISIONS SEC. 1. THE JUDICIAL POWER OF THE STATE IS VESTED EXCLUSIVELY IN ONE COURT OF JUSTICE WHICH SHALL BE DIVIDED INTO ONE SUPREME COURT ONE COURT OF APPEALS, ONE TRIAL COURT OF GENERAL JURISDICTION KNOWN AS THE CIRCUIT COURT . . . AND COURTS OF LIMITED JURISDICTION ARTICLE VI & 1

Reservation of Error: THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE. AMENDMENT X

Principle Point:

CONSTITUTIONALITY OF STATE

AND

PREJUDICIAL DELAY (EXISTENCE)

THE NATURE AND SAWS OF "DEFENSES, AND EVEN ITS VERY EXISTENCE AGAINST PLAINTIFF NOW SAWS OF LIMITATIONS RENDERED RULE 9(a) ESSENTIALLY Moot:

DISCUSSION

Added, ~~As~~ Part of The Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C. § 2244 (d) (1) (B).

In Short, If Three Criteria Were Met: First, THE GOVERNMENT Had To Plead (In Its Answer Or In Some Other Responding Papers) And Prove Through Documentant Or Other Evidence THAT THE Petitioner delayed INITIATING STATE EXHAUSTION PROCEEDINGS (Or, In THE SECTION 2255 Context, delayed filing THE MOTION). Second, THE GOVERNMENT Had To Plead And Prove, And THE District Court Had To find explicitly, THAT THE Petitioner's (Or Section 2255 MOVANT'S) Delay Prejudiced THE GOVERNMENT In Some Particularized Way THAT Prevented THE GOVERNMENT FROM Defending AGAINST THE CLAIMS RAISED In THE Petition (Or Section Motion'ed). See, e.g., *Garlotte v Fordice*, 515 U.S. 39, 46 (1995). (THE STATE Bears A Heavy Burden Under Rule 9(a) To '(1) MAKE A Particularized Showing of Prejudice, (2) Show THAT THE Prejudice Was caused by THE Petitioner HAVING filed A Late Petition, AND (3) Show THAT THE Petitioner Has NOT Acted With Reasonable diligence AS A MATTER of LAW.

... AS TO NO DELAY BY PETITIONER / PLAINTIFF IN THIS CAUSE OF ACTION.

AS TO DELAY OF (PETITIONER / PLAINTIFF) IN ACCESS OF APPROACHING "THE GREAT WRIT" EFFECTIVE AND EXPEDITIOUS PROCESS... (UNDER EXCEPTIONAL) (EXTRAORDINARY CIRCUMSTANCES) UNDER NUMEROUS PROBENITY AUTHORITIES. (MCR-3.303(7), (MCL 600.4304), (MCR 3.304), (MCL 600.4307), (MCR 7.209), (MCL 600.4316), (MCR 7.204), (MCR 7.210), (MCR 7.311), (MCR 7.310), (MCR 2.002), (MCR 2.614) etc. AS TO "STATE STATUTORY" AND Rule... THE CASE FALLS WITHIN A CATEGORY OF CASES THE SUPREME COURT HAS DENOMINATED "FUNDAMENTAL MISCHIEF OF JUSTICE." HAVING BASIC DOCTRINE GOVERNING "PROCEDURAL OBSTACLES THAT... MUST [BE] OVERCOME BEFORE A FEDERAL COURT MAY ADDRESS THE MERITS OF... CONSTITUTIONAL CLAIMS (HIS ACTUAL INNOCENCE) TO A NEW EVIL (REITERATED) A SENTENCE CHANGE OF LIFE TO EVASIVE ANSWER OF PLAINTIFF DEATH PENALTY TO SUFFER AN EXACERBATING CONDITION AGAINST SOCIETY EVOLVING STANDARD OF DECENCY. (Schubert v Delo, 513 U.S. 298 (1995))...

... THE 8TH AMENDMENT PROTECTIONS
AS SO THE 14TH AMENDMENT TO DUE PROCESS
ARE IGNORED TO THESE FACTS ASSERTED;

1). AS TO, NOT CRUEL AND UNUSUAL
PUNISHMENT. . . AND

2). NOR SHALL ANY STATE DEPRIVE ANY
PERSON OF LIFE, LIBERTY, OR PROPERTY,
WITHOUT "DUE PROCESS" OF LAW;
NOR DENY TO ANY PERSON WITHIN ITS
JURISDICTION THE EQUAL PROTECTION OF
THE LAWS.

AS TO "FEDERAL STATUTE" AND RULES. . .

(Fed. R. Civ. P. 8[#]), (Fed. R. Civ. P. 37), (Fed.
R. Civ. P. 38), (Fed. R. Civ. P. 39), (Fed. R. Civ. P.
43), (Fed. R. Civ. P. 52), (Fed. R. Civ. P. 56(e)),
(Fed. R. Civ. P. 60), (Fed. R. Civ. P. 61(d)), (Fed.
R. Civ. P. 26), (28 U.S.C. § 1343), (28 U.S.C. §
1352), (28 U.S.C. § 2243), (28 U.S.C. § 2246),
(28 U.S.C. § 2241), (28 U.S.C. § 2251). . . ETC

TO VIOLATIVE BREACHING OF FEDERAL LAW. . .
BY STATE ACTORS.

Q.

Plaintiff, was ordered to give the State of Michigan its one available option to entertain this cause of action (Habeas Corpus) petition as to other applicable authorities to effectuate its process of a release or its cause of a denial such as a preamble to its operation or effect.

2. Importance of Hearings.

Hearings are held in a very small proportion of all Habeas Corpus cases. *Reeney v Tamyo-Rexes*, 504 U.S. 1, 24 (1992). But they are held in a fairly large proportion of cases in which something more than summary review and dismissal takes place. *Hitchcock v Dubger*, 481 U.S. 393, 395 (1987).

Considering Factors or Standards That Warrant Argument:

- (1. Newly Discovered Evidence
- (2. Actual Innocence
- (3. Death Penalty
- (4. Miscarriage of Justice Inquiry
- (5. Standard of Proof - 419 F-2d 187 -

... AS PLAINTIFF, FORWARD TO EXAMINE THE ELEMENTARY PRINCIPLES THAT COULD BE FAIRLY ESTABLISHED BY THE GOVERNMENT'S OBLIGATIONS TO PROVIDE (A SAFE ENVIRONMENT) (MEDICAL CARE) FOR THOSE WITH WHOM IT IS PUNISHING BY INCARCERATION. AS PLAINTIFF MUST RELY ON PRISON AUTHORITIES TO TREAT HIS MEDICAL NEEDS, AS AN ENVIRONMENT THAT DOESN'T THREATEN HIS HEALTH OF UNNECESSARY AND WANTON INFLECTION OF PAIN TO ACTUALLY PRODUCE PHYSICAL "TORTURE OR A LINGERING DEATH". IN RE KEMMLER, SUPRA THE EVILS OF MOST IMMEDIATE CONCERN TO THE DRAFTERS OF THE AMENDMENTS. AS PROSCRIBED BY U.S. CONST. AMEND VIII.

IS THE IMPOSITION TO REMAIN IN A LAWFUL CONVICTION THAT BECAME UNLAWFUL IN FURTHER DETENTION AGAINST A DEADLY DISEASE AFTER THE INTENTIONAL EXPOSURE THAT SUBJECT PLAINTIFF TO A DEATH SENTENCE (LINGERING) BY LONG Haul EFFECTS THAT WASN'T IMPOSED OR ATTACHED TO (HIS SENTENCE) OR HIS JURORS WASN'T APPRISED IN THIS CHANGE IN VIOLATION OF 8TH AND 14TH AMEND.

Wherefore, Lennence Terrell Moore, PRAYS
 THAT THIS Honorable Federal District Court
 FOR THE "Western District" GRANT HIS MOT-
 ION PURSUANT TO ALL THE APPLICABLE AUTHORITY
 GIVEN IN THE ROBENSIY OF HAINES V KERNER
 404 U.S. 519 (1972) AS THOUGH WANTFULLY Plead-
 ed IN CONTEXT FOR THE UNFETTERED JUDGMENT
 OF A COURT OF LAW AFFORDING GOVERNING
 FEDERAL PROTECTIONS AND PRINCIPLES THATS
 SET BY PREVIOUSLY DECIDED DECISIONS OR WHAT-
 EVER THIS Honorable Court DEEM TO BE NEC-
 ESSARY.

Respectfully Submitted,

DATE: June 16TH 2022 /s/ Lennence Terrell Moore
 # INMATE NUMBER: 208380

I, Lennence Terrell Moore, Swear THAT THE STATEMENTS
 MADE ARE TRUE TO THE BEST OF MY ABILITY
 KNOWLEDGE AND BELIEF. 28 USC 1746 AND

UNITED STATES DISTRICT
COURT FOR THE MICHIGAN DISTRICT
OF MICHIGAN

Tennence Tennell Moore #208380
Plaintiff,

v

U.S. DIST. COURT #20-CV-01107

MICH. SUPREME #164293

COURT OF APPEALS #356596

BRYAN MUNN SON (WARDEN) Cir. NO. #20-CV-0616 AH
Defendant.

Procedure For Removal
PURSUANT TO 28 U.S.C. § 1446

I, Tennence Tennell Moore, Moves This Federal District
Court Under The Authority Pursuant To Federal Rule
11 of Civil Procedures Under These Circumstances
Following:

- (1). IT IS NOT BEING PRESENTED FOR ANY IMPROPER
PURPOSE, SUCH AS TO HARASS, CAUSE UNNECESSARY
DELAY, OR NEEDLESSLY INCREASE THE COST OF THE
LITIGATION;

G¹.

... CONTINUE

(2). THE CLAIMS, DEFENSES, AND OTHER LEGAL CONTENTIONS ARE WARRANTED BY EXISTING LAW OR BY A NON-TRIVIOUS ARGUMENT FOR EXTENDING, MODIFYING, OR REVERSING EXISTING LAW OR FOR ESTABLISHING NEW LAW.

(3). THE FACTUAL CONTENTIONS HAVE EVIDENTIARY SUPPORT OR, IF SPECIFICALLY SO IDENTIFIED, WILL LIKELY HAVE EVIDENTIARY SUPPORT AFTER A REASONABLE OPPORTUNITY FOR FURTHER INVESTIGATION OR DISCOVERY; AND

(4). THE DENIAL OF FACTUAL CONTENTIONS ARE WARRANTED ON THE EVIDENCE OR, IF SPECIFICALLY SO IDENTIFIED, ARE REASONABLY BASED ON BELIEF OR A LACK OF INFORMATION.

STATEMENT OF GROUNDS FOR REMOVAL

ENTITLED TO RELIEF; AND (3). A DEMAND FOR THE RELIEF SOUGHT, WHICH MAY INCLUDE RELIEF IN THE ALTERNATIVE OR DIFFERENT TYPES OF RELIEF.

. . . Continue

Removal of Cause: 28 U.S.C. § 1441

JONES V HARLAN Tex Civ. App. 109
S.W. 2d 251, 252 - - Recall
(Habeas Corpus) (Removal Bond)

Plaintiff, Presented the Proposition for
Reading Outside Labels and Conclusions or
A Formulate Recitation of the Elements as Given
A Revised Judicial Interpretation from the Highest
Court in the Land (U.S. Supreme Court) to discri-
minatory decisions to treatment - - Where Jurist
of Reasons (Debatable) could conclude over
Credit of Bald Assertions or Legal Conclusions
Give by Plaintiff in his Cause of Action.

- by: 1). His existing comorbidities and all its
Subjections to Harm / The Unnecessary
Wanton Infliction of Pain. (Constitute)
2). Prisoner Angubaly Stated that Prisoner
was committed to M.D.O.C. for Punishment
Not Pain. or Suffering for Lingering
Death.

Respectfully Submitted
/s/ Terrence Terrell Moore
Terrence Terrell Moore #202380

Date: June 16th, 2022

I, Terrence Terrell Moore, Swear to the Statements
That are Made are True and Connect to the Best
of my Ability, Knowledge and Belief. 28 U.S.C. § 1746

cc: file

T.T.M.
Clerk of the Court
Atty. of Record

G³.

rate of 21 deaths per 10,000 prisoners, according to data from The Marshall Project. New Jersey's prison population is about half the size of MDOC.

Statewide, Michigan ranks sixth in the nation in the number of overall COVID-19 deaths per capita, with four deaths per 10,000 residents, according to The New York Times.

Calls to release prisoners

Stern said prison systems should do "everything they can to downsize the population" in light of COVID-19 outbreaks.

The Department of Corrections says the parole board is working overtime to accelerate paroles for eligible prisoners who have reached their earliest release date.

Prisoner advocates say that's not enough. They continue to call on Gov. Gretchen Whitmer to use her clemency powers to free elderly and medically vulnerable prisoners who are not likely to re-offend.

"We don't have the death sentence in Michigan," said Monica Jahner, who is formerly incarcerated and works with people returning home from prison through the Ingham County program Advocacy, Reentry, Resources, and Outreach.

Gautz pointed out that of the prisoners who have died, about half were serving life sentences for murder or other serious crimes.

"These are the kind of people that would not have been released under any sort of executive order that could possibly be envisioned," Gautz said.

Hoe of Safe and Just Michigan points to new research out of the University of Michigan that suggests prisoners over the age of 50 who were convicted of violent crimes pose a low risk of recidivism. His group wants Whitmer to use her clemency powers and expand the parole board to process more releases.

Mr. Terrence Tennell Mo
Chippewa Connection
4269 West - M-8
Keweenaw, Michigan #

Clara
UNITED STATES
W
330 W
MARQUET

one #208380
Facility

0
49784



C of THE COURT
ATES DISTRICT COURT
STON DISTRICT
WASHINGTON ST.
P.O. Box # 698
TE, MICHIGAN #49855

